



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**MICHAEL CLARK, DAVID STARKMAN,
FRANCO DESIMONE, and JOHN DINISI,
individually and on behalf of all others similarly
situated,**

Plaintiffs,

-V-

ECOLAB INC.,

Defendant.
-----X
X

**07 CIVIL 8623(PAC)
JUDGMENT**

TROY MASSON, individually and on behalf of all
others similarly situated,

Plaintiffs,

-V-

ECOLAB INC.,

Defendant.
-----X

04 CIVIL 4488 (PAC)

JIMMY ENGLISH and WILLIAM ZIMMERLEE,
individually, and on behalf of all others similiarly
situated,

Plaintiffs

06 CIVIL 5672 (PAC)

-V-

ECOLAB INC.

Defendant.
-----X

Whereas, plaintiffs' having moved the Court for certification of the settlement class, final approval of the class settlement and approval of the FLSA settlement, the matter having come before the Honorable Paul A Crotty, United States District Judge, who on May 11, 2010, having issued his Order granting plaintiffs' motion as stated below, it is,

ORDERED, ADJUDGED AND DECREED, that for the reasons stated in the

Court's Order, dated: May 11, 2010, judgment is hereby entered in favor of plaintiffs against defendant Ecolab Inc., that:

- 1) within three business days of the Court's Order, Ecolab shall submit the Settlement Amount to the Claims Administrator to establish the Fund .
 - 2) the Claims Administrator shall distribute Settlement Checks from the QSF to the Class Members
 - 3) the Claims Administrator shall also pay to Class Counsel attorneys' fees of \$2,000,000.00 and costs of \$62,591.89 from the fund.
 - 4) the Claims Administrator's fee of \$31,000 shall be paid from the fund.
 - 5) the Claims Administrator shall also pay \$10,000 each to each Class Representative as a service award.
 - 6) the Claims Administrator shall satisfy the employer obligations to pay all employer taxes and withholdings on the Settlement Checks from the Fund.
- The Claims Administrator shall: 1) further provide verification to Class Counsel and Ecolab's Counsel that it has distributed the checks, 2) retain copies of all endorsed Settlement checks with releases, and 3) provide Ecolab's Counsel with the original of the endorsed Settlement checks.
- 7) All claims asserted in the litigation and the claims of all Class Members who have not opted out are hereby dismissed with prejudice, subject only to an application for relief under FRCP 60(b)(1) or 60(d).
 - 8) The Court approves the Individual Settlement reached by the parties, which shall have no impact on the Fund.
 - 9) The Clerk of the Court is directed to enter a Final Judgment in these actions.
 - 10) the Court retains jurisdiction over this action 30 days after the Acceptance Period, as necessary for the administrative purposes, and
 - 11) The parties shall abide by all the terms of the Settlement Agreement and the Court's May 11th, 2010 Order.

DATED: NEW YORK, NY

May 19, 2010

J. Michael McMahon

 Clerk

(By) Deputy Clerk

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**